

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Martin JENSEN et al

Serial No. 08/973,021

Filed: January 29, 1998

For: A METHOD FOR IDENTIFICATION OF  
BIOLOGICALLY ACTIVE PEPTIDES AND NUCLEIC ACIDS

Group Art Unit 1636

Examiner Sandals

SUPPLEMENTAL RESPONSE

Asst. Commissioner of Patents  
Washington, D.C. 20231

Sir:

This will supplement the Amendment filed February 1, 1999 in response to the Office Action mailed on October 1, 1998.

With respect to the Lund et al publication used in rejecting claim 7, this publication is in the name of three of the present inventors. Unless it is a statutory bar, a rejection based on a publication may be overcome by a showing that it was published by applicant. Since the Lund et al publication was published in the name of three of the present inventors, it is respectfully submitted that the publication on its face clearly indicates that it was published by applicant since less than all of the inventors may be the co-inventors of certain of the claimed subject matter such as claim 7 herein. Thus, it is respectfully requested that the Lund et al publication be withdrawn as a reference.

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Applicants also bring to the Examiner's attention International Publications WO98/36097, WO98/07886, WO98/32880 and WO98/39483, the cover page of each of which is attached hereto. While these documents are not prior art, the basic U.S. priority applications may be relevant.

In view of the foregoing, and the Amendment filed February 1, 1999, early and favorable action is respectfully requested.

Respectfully submitted,

JACOBSON, PRICE, HOLMAN & STERN

By: 

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